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FISHER AT END OF HARD TOUR

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wearied, and after clambering aboard the Mauna Kea from the ship's boat in which the party was conveyed from the landing, he sat down and engaged in conversation until nearly 3 o'clock before retiring.

Mrs. Fisher and Mrs. Mott-Smith remained with the party until the arrival at McGregor's landing Thursday evening, where they bade goodbye to the Secretary and continued on to Honolulu on the Kilauea, accompanied by Territorial Secretary Mott-Smith.

At McGregor's Landing the party was met by a committee from the Maui Chamber of Commerce, consisting of Judge S. B. Kingsbury, J. N. S. Williams and W. O. Aiken, which took charge of the entertainment and kept the members in its care until they left on the Mauna Kea last night. Delegate Kubio, Attorney Ashford and the newspapermen did not make the trip up Haleakala, preferring to get a good night's rest at Wailuku and join the Secretary Governor and other

members at Aiken's Puuamalei home yesterday morning.

One of the first places visited was the Haiku winery, where Mr. Fisher tasted the real Hawaiian wine and questioned the manager concerning the methods and possibilities of vineyarding on a small scale. He then inspected the Haiku homestead tract, where about 1000 acres were recently opened to homesteaders and 1200 acres more are to be thrown open shortly.

Sees Pineapple District.

This is a pineapple district, where it is possible to grow the fruit without irrigation and two canneries now in the district are equipped to handle double the crop at present grown there. From the figures given by those owning lands in that district it was learned that to tide over the financial side of the first crop, which requires about eighteen months to mature, a homesteader would require \$8,000 to \$10,000 for forty acres. The later crops are grown in about a year's time, and the rattoons are not nearly so expensive.

From these lands the party journeyed to the Haiku Fruit & Packing Company's big cannery, which is equipped at present to turn out about 50,000 cans of pineapples, and expects to double its capacity in the near future. The Secretary displayed keen interest in the methods of preparing and canning the fruit and sampled

the fruit as it passed through the various stages of preparation.

He found that in this district the homesteader is welcomed by all, and was told that the proper sort, the practical man equipped to make a success of his crops, will receive encouragement on all sides.

Railway Achievement Noted.

Then the party visited the great railroad bridge being constructed across the Maliko Valley by the Kahului railway, and Governor Frear and one or two other members rode down the temporary construction line into the deep gulch, 230 feet below the railway bed. This bridge will rest on concrete piers 230 above the stream bed and is to be 750 feet in length. The depth of the canyon can be more readily imagined from the statement that if the Call building, of San Francisco, were placed in it, the structure's topmost spire would be six feet below the railway.

After lunch at Manager Williams' palatial home the party rode over the Kahului railway line into the town and out to the breakwater, dismounting and walking out to the end of the long stone pier. Shortly afterward automobiles were taken, and the party hurried into Wailuku.

The reception given at the court house was in the nature of a surprise party. When Mr. Fisher arrived he found that seats had been placed in the front yard, where about 100 little school children, under the guidance

of instructors, greeted him with patriotic hymns and one small girl read an address of welcome. Adjourning to the court room at the end of this program, the Secretary was welcomed by Judge Kingsbury.

Replying briefly Mr. Fisher outlined the nature of his visit and told of the things he had seen. He said that the people of the Territory have been inclined to overestimate his duties and powers, and to think that he could settle all their governmental problems. He asserted that his duty is chiefly that of adviser in the matter of governorship and some other Territorial appointments, and in handling matters more or less of a technical nature.

"Discussion of Details."

Perhaps the most important statement in this opening address was that he had discovered, with the sitting out of the material from the material facts, both the administration and Delegate Kubio were finding their differences "not so much a controversy as a mere discussion of details."

John Vivas, the first man called wanted to know why he had never been able to obtain satisfaction on his application for homestead land on the Haleakala tracts, lands which, although located at high altitude, he said he had been told would raise wheat and kindred cereals and farm crops. He had applied direct to Governor Frear four years ago. Governor Frear could not remember the case, but W. O. Aiken, who was land agent on Maui at that time, arose and stated that Land Commissioner Pratt had withheld the entire tract on his advice. Aiken said that in his opinion the land was not fit for homesteading. He had seen crops tried on it, but no successes, and that it is fit for nothing more than grazing.

Kihei Homestead Matter.

County Auditor Charles Wilcox, the next witness called, brought up the matter of the Kihei homesteads, on which leases to the present holders have not yet expired. His wife had applied for a homestead and had received her allotment and made her first payment. He explained that the land, cleared, was appraised at only \$15 an acre, but that which held Kiawe trees was appraised at \$40 an acre. His wife's tract was of the \$40 variety, but he said the lessees are cutting down all the wood, and that when he finally takes possession he will have only the \$15 variety, though he will have to pay the appraised value of \$40 for it. After some discussion it was decided that this matter will be taken up personally by Governor Frear and adjusted to suit the homesteaders.

Coelho a Speaker.

Senator W. J. Coelho then brought up the matter of the transfer of ten acres outside the town of Wailuku, adjoining the Wailuku Sugar Company, by the county to the plantation in exchange for a tract of about equal size inside the city limits, which the poses.

Senator Coelho said he was representing a number of homesteaders who had wanted that outside tract, but had been rejected to enable the transfer with the plantation to be made. He said the tract which the Wailuku Sugar Company received was a water source, which the Territory had deliberately given away. He also said it was generally understood that an injunction suit brought by the Wailuku Sugar Company against the Territory was dropped by the plaintiff about this time, and that it was a result of this profitable land transfer when the Territorial and county officials had approved.

Attorney Hemenway, who was attorney general at that time; W. G. Aiken, then land agent, and Manager H. B. Penhallow of the Wailuku Sugar Company, explained the affair satisfactorily.

Penhallow said the discontinuance of the injunction suit had nothing to do with the land transfer. He said the county supervisors had come to the plantation with proffers of transfer, and that it was finally made on the understanding that for the loss of the water source on the ten-acre tract the town of Wailuku was to be guaranteed the privilege of taking 2,000,000 gallons of water daily from the plantation's supply. He said the town is at present getting only 500,000 gallons daily, which is the capacity of the pipe it has laid to take the supply needed.

Aiken said the water source on the ten acres transferred to the plantation by the Territory was very small.

FISHER TO SIFT

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The latter seemed to appeal especially to the Secretary, as the story was recited to him by Attorney Ashford. Kubio's counsel explained that the measure absolutely prevented relatives from obtaining any damages from the railroads in case private individuals are killed or injured on the railways, if the accident occurs while the persons are on the railroad right-of-way, and not on the usual crossings. He declared that five persons have been killed in the last year in this manner along the line of the Oahu Railway & Land Company. He told of one, especially pathetic case and declared that in no instance has the company been held responsible.

The law to which he referred is contained in Act 111, of the Session Laws of the Territory, passed at the regular session of 1911, this Act receiving the approving signature of the governor on April 24, 1911. Section 1 says:

"No person, other than those connected with or employed by the owner or operator of any railroad, shall walk along or be upon the right-of-way, or walk or be upon or in the bridges, cuts, fills, or tunnels of such railroad; provided, however, that this Act shall not apply to any persons using public highways or crossings, or their own private rights-of-way which they have acquired over or through said railroad rights-of-way, bridges, cuts, fills or tunnels."

Section 2 says: "Any person violating any provisions of this Act shall be guilty of a misdemeanor and punished by a fine of not exceeding Ten Dollars."

Section 3, the most pertinent part of the statute, holds that: "No owner or operator of any rail-

road shall be liable in damages for the death or injury to any person arising out of a violation of the provision of this Act."

Ashford Tells of Accidents.

Attorney Ashford said he had been told that one of the accidents since the passage of this law was the death of four little Japanese children who were crossing a bridge on the right-of-way of the Oahu Railway & Land Company's line. The eldest, a girl of ten or twelve years, was carrying a baby on her back, and leading the two others, one by each hand. He said the little group was struck and he understood that all had been killed.

This charge, Ashford said, was made on information given him by a Honolulu attorney, to whom the relatives of one of these victims had appealed for advice. The attorney had looked up the law and informed them that they had absolutely no chance to obtain satisfaction. Ashford did not have a copy of the statute with him at the time he made these statements, but he quoted the law substantially as it is given above.

"That was indeed a terrible thing," remarked Secretary Fisher, when the attorney had concluded his story of the Japanese children. "If the law is as you state it to be, it is more drastic than anything of its kind I ever heard of on the mainland. I want you to produce the statute when we return to Honolulu and to bring some definite evidence along the lines you have just mentioned."

Attorney Hemenway, while he said he had read this particular statute for some months, and was not very familiar with it, was inclined to believe Ashford had misconstrued the measure, and that it was not as drastic as he stated. Hemenway said he thought more severe statutes were in force in some of the States on the mainland, and that one of these was in New England.

"How can any law be made more drastic," Ashford asserted, "if this is as I have said?" He went on to explain that for hundreds of people on

Oahu the right-of-way of the railway was about the only highway, to and from civilization, and that it was quite common custom to make use of the right-of-way when traveling aloft. Ashford called upon the newspaper representatives who were present during this discussion, wanting to know why the facts in these accident cases had not been reported to the public. He had not seen any such accident stories in print in the Honolulu papers. He was informed that perhaps the newspapers had not heard of these cases, that some occur in the country districts and are never reported to Honolulu, and was assured that where they were reported, they were published.

Immigration Taken Up.

Ashford then took up the immigration problem with the Secretary, reciting the details of the steamship Senator case and mentioning the share taken in it by Territorial officials. Secretary Fisher, at the close of this discussion, asked to be given the authentic details during his coming sessions in Honolulu. He said he realized it was rather hard for the Territory and the planters to spend such large sums in bringing immigrants here to settle and supply the necessary labor, only to have them pack up and hurry away to the Coast shortly after their arrival, leaving the Territory "holding the bag."

Ashford told of the high license charged labor agents and asserted that foreign labor agents are kept away from the newly-arrived immigrants. This was denied by Attorneys Olson and Hemenway, and instances were cited. Secretary Fisher asked that all the evidence obtainable in these matters be arranged and placed before him during his final hearings here.

A maid who went suddenly insane attacked Mrs. Walter C. Graves, a San Francisco society woman, and severely injured her before she was subdued by the neighbors.

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